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continued
- (a) a host computer system hosting a service, wherein the service includes a plurality of selectable features and each of the plurality of selectable features has an associated point value;
  - (b) wherein the host computer system awards at least one point to a user of the service as a result of the user selecting one of the plurality of selectable features, wherein the user is not required to complete an additional action after the selecting in order to be awarded the at least one point; and
  - (c) wherein the user is given a number of at least one entry in a sweepstakes based on the number of points the user has been awarded.

61. (Twice Amended) A method of entering a user of a user computer system in a sweepstakes comprising the steps of:

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- (a) allowing a user to access a service via a host computer;
  - (b) awarding at least one point to the user as a result of the user accessing a feature of the service, wherein the feature has an associated point value, and wherein the user is not required to complete an additional action after the selecting in order to be awarded the at least one point; and
  - (c) giving the user a number of entries in the sweepstakes based on the number of points the user has been awarded.

#### REMARKS

The Applicants thank the Examiner for her comments and assistance during the recent telephone calls between the Examiner and the Applicants' attorney.

Claims 1-70 are pending in the application. In the Office Action of August 26, 2002, the Examiner rejected claims 1-70 under 35 U.S.C. § 103(a) as being unpatentable over Storey (U.S. Patent No. 5,774,870) in view of the article titled "Sportsline USA" (the "CBS Sportsline Reference"). In response, Applicants have amended claims 1, 17, 35, 52, and 61 to more clearly point and distinctly claim their invention. Applicants reserve the right to pursue the subject matter of the original claims in this application and in other applications. No new matter has been added. Reconsideration and further examination are respectfully requested.

In the Applicant's claimed invention, the user is awarded one or more points for clicking on a link and no further actions after the click are required in order for the user to be awarded the one or more points. Each of the Applicants' independent claims recite awarding at least one entry in a sweepstakes to a user based on a number of points the user has been awarded.

Pursuant to the discussion between the Applicants' attorney and the Examiner, Applicants have amended pending independent claim 1 to recite more clearly a host computer system hosting a webpage, wherein the webpage includes a plurality of links and each of the plurality of links has an associated point value; and wherein the host computer system awards at least one point to a user as a result of the user clicking on one of a plurality of links and the user is not required to complete an additional action after the clicking the one of the plurality of links in order to be awarded the at least one point. Similarly, Applicants have amended independent claim 17 to recite more clearly a method that includes awarding at least one point to the user as a result of the user clicking a link displayed on a webpage, wherein the link has an associated point value and wherein the user is not required to complete an additional action after the clicking in order to be awarded the at least one point. Likewise, Applicants have amended pending independent claim 35 to recite more clearly computer code that performs awarding at least one point to a user as a result of the user clicking a link displayed on a webpage, wherein the link has an associated point value and wherein the user is not required to complete an additional action after the clicking in order to be awarded the at least one point. In addition, Applicants have amended pending independent claim 52 to recite more clearly a host computer system that awards at least one point to a user of a service as a result of the user selecting one of the plurality of selectable features, wherein the one of the plurality of selectable features has an associated point value, and wherein the user is not required to complete an additional action after the selecting in order to be awarded the at least one point. Also, Applicants have amended pending independent claim 61 to recite more clearly a method that includes awarding at least one point to a user as a result of the user accessing a feature of a service, wherein the feature has an associated point value, and wherein the user is not required to complete an additional action after the selecting in order to be awarded the at least one point.

With regard to the Storey patent, the Examiner also states that:

In order to make purchases, the user clicks on the particular item's page and from that particular page,

the award levels will be determined based on the product's page selected.

See Office Action, pages 4-5. The Applicants submit that the Examiner is mistaken in this characterization of the Storey patent. More particularly, the Storey patent discloses an award redemption program wherein a user may obtain bonus points upon the purchase of merchandise and redeem the points for prizes. In the system disclosed by Storey, the user must purchase the desired items using an order form (see col. 4, lines 53-56) and bonus points are calculated using a preprogrammed formula (see col. 5, lines 41-46; col. 6, lines 7-10) only after the desired items are purchased via the order form. The bonus points are directly related to the purchasing of items. Thus, the user may click on any number of links or visit any number of pages, but is awarded bonus points only upon purchase of an item using the order form. In addition, it is not the product's page requested, selected, or viewed by a user that determines the awarded points, but the purchase of the product via the order form. Storey does not teach or even suggest a system, computer code or method wherein points can be earned towards entries in a sweepstakes as a result of clicking on a link or selecting a feature, or a system, computer code or method where the links or features themselves have associated point values and the user is not required to complete an additional action after the clicking or selecting in order to be awarded one or more points, as recited in Applicants' amended claims.

While the Applicants disagree with the Examiner's rejections in the Office Action and the claims as amended herein do not change the scope of the claims, as discussed by the Examiner and the Applicants' attorney, neither the Storey patent nor the Sportsline reference, either individual or in combination, disclose, teach or even fairly suggest the Applicants' invention as recited in the amended independent claims. As neither of the cited references disclose or even suggest Applicants' invention as claimed in the amended independent claims, either alone or in combination, Applicants' claimed invention is novel, non-obvious and patentable over the Storey patent in view of the CBS Sportsline reference and vice versa. See MPEP 2142, 2143.02.

With regard to Applicants' dependent claims, among other things, the Applicants' disagree with the Examiner's assertions regarding these claims. Neither the Storey patent nor the CBS Sportsline reference, either taken alone or in combination, teach or fairly suggest: awarding points for making a webpage a user's home page, as reflected in Applicants' dependent claims 6,

23, 40 displaying points associated with links, as reflected in Applicants' dependent claims 9, 10, 29; displaying points earned by a user, as reflected in Applicants' dependent claims 12, 26, 27, 29, 45; awarding points for a user's access or use of features or links on a third-party website, webpage or service, as reflected in Applicants' dependent claims 16, 33, 34, 50, 51, 60, 70; etc.

With regard to the Examiner's statements regarding claims 3, 13, 20, 30, 37, 47, 54, 57-59, 63 and 67 (see Office Action, page 3), Applicants disagree with the Examiner's assertions. Further, the mere fact that information may be stored in a database does not render it obvious to store user registration or point information as recited in these claims. Also, as it is improper to use Official Notice to comprise the principal evidence upon which a rejection is claimed, the Applicants request that the Examiner provide evidence of such storage of user and point information as recited in these claims. See, MPEP 2144.03; In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971). With regard to the Examiner's statement regarding an improper challenge to Official Notice, Applicants also point out they made a demand for evidence in their response to the First Office Action and have provided legal support for their assertion that the Examiner has made improper use of Official Notice. Thus, the Applicants have provided sufficient challenge to the Examiner's use of Official Notice.

With regard to the Examiner's statements regarding claims 4-7, 9-12, 14-15, 21-24, 26-29, 31-32, 38-46, 48-49, 51, 55-56, 64-66 and 68-69 (see Office Action, page 3), Applicants disagree with the Examiner's assertions and note that the Examiner has made only cursory statements without providing any supporting evidence as the basis of these rejections. Moreover, the Examiner appears to be using improperly the information in Applicants' independent claims as the basis for the rejections of these claims. Applicants request that the Examiner clarify and provide support for the rejections to these claims independent of the Applicants' disclosure and claims.

With regard to the Examiner's statements regarding claims 8 and 25, the Applicants agree with the Examiner that neither the Storey patent nor the Sportsline reference teach that one of the services can be email. However, the Examiner provides no support for the statement that email is a common service offered in the on-line world and provides no support or argument that there is any motivation to provide such email service with the teachings of the Storey patent or the Sportsline reference. As the Examiner has not provided specific reasons to support the additional obviousness rejections, the Examiner has failed to establish a prima facie case of

obviousness for these claims. Ex parte Humphries, 24 USPQ 1255, 1262 (BPAI 1992).

Therefore, Applicants respectfully assert that the Examiner has improperly rejected these claims.

With respect to the Examiners statements regarding claims 6, 23, and 40, Applicants disagree with the Examiner's assertions. Further, the mere fact that a user may make a Web page the user's home page does not render it obvious for the user to receive one or more points that lead to one or more entries in a sweepstakes as a result of the user making the Web page the user's home page. Also, as it is improper to use Official Notice to comprise the principal evidence upon which a rejection is claimed, the Applicants request that the Examiner provide evidence of such storage of user and point information as recited in these claims. See, MPEP 2144.03; In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971).

#### Conclusion

In view of the foregoing, the application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience. In this regard, it should be noted that Applicants' silence with respect to particular comments made in the Office Action (e.g., comments directed to various dependent claims) does not imply agreement with those comments.

If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact Scott B. Allison using the information provided below.

Respectfully submitted,

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Date



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## Amended Claims Showing Changes Relative to Previous Versions

1. (Twice Amended) A sweepstakes system, comprising:
  - (a) a host computer system hosting a webpage, wherein the webpage includes a plurality of links and each of the plurality of links has an associated point value;
  - (b) wherein the host computer system awards at least one point to a user as a result of the user clicking on one [when the user clicks on one or more] of the plurality of links and the user is not required to complete an additional action after the clicking the one of the plurality of links in order to be awarded the at least one point; and
  - (d) wherein the user is given a number of at least one entry in a sweepstakes based on the number of points the user has been awarded.
  
18. (Twice Amended) A method of entering a user of a user computer system in a sweepstakes comprising the steps of:
  - (a) allowing a user to access a webpage;
  - (b) awarding at least one point to the user [for] as a result of the user clicking [at least one] a link displayed on the webpage, wherein the user is not required to complete an additional action after the clicking in order to be awarded the at least one point; and
  - (c) giving the user a number of at least one entry in a sweepstakes based on the number of points the user has been awarded.
  
35. (Twice Amended) Computer code embedded in a storage medium performing the steps of:
  - (a) allowing a user computer system to access a webpage on a host computer;
  - (b) awarding at least one point to the user [for] as a result of the user clicking [at least one] a link displayed on the webpage, wherein the user is not required to complete an additional action after the clicking in order to be awarded the at least one point; and

- (c) giving the user a number of at least one entry in a sweepstakes based on the number of points the user has been awarded.

52. (Twice Amended) A network-based sweepstakes system comprising:

- (a) a host computer system hosting a service, wherein the service includes a plurality of selectable features and each of the plurality of selectable features has an associated point value;
- (b) wherein the host computer system awards at least one point to a user of the service [when the user selects] as a result of the user selecting one [or more] of the plurality of selectable features, wherein the user is not required to complete an additional action after the selecting in order to be awarded the at least one point; and
- (c) wherein the user is given a number of at least one entry in a sweepstakes based on the number of points the user has been awarded.

61. (Twice Amended) A method of entering a user of a user computer system in a sweepstakes comprising the steps of:

- (a) allowing a user to access a service via a host computer;
- (b) awarding at least one point [points] to the user as a result of the user [for] accessing a feature [features] of the service, wherein [each of] the feature [features] has an associated point value, and wherein the user is not required to complete an additional action after the selecting in order to be awarded the at least one point; and
- (c) giving the user a number of entries in the sweepstakes based on the number of points the user has been awarded.